UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/NGO/8
8 February 2000

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by The International Federation of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 1999]

GE.00-10755 (E)

1. The International Federation of Human Rights (FIDH) welcomes and looks forward to the Colombian Government's initiatives to engage in dialogue and negotiation with guerrilla movements in the interest of peace.

2. However, the Colombian Government must understand that the best way of fostering credibility in its peace proposals is to respect its international human rights obligations, complying fully with the repeated recommendations of the Commission on Human Rights, through its Chairperson, and the United Nations High Commissioner for Human Rights.

3. The peace initiatives between the Colombian State and guerrilla movements require the active participation of civil society, especially victims of human rights violations whose rights to truth, justice and compensation cannot be ignored under the pretext of possible reconciliation between armed groups. Peace cannot be built on oblivion and impunity. Otherwise democracy and society will forever be threatened by those who engage in savage acts to preserve their interests.

4. During the first 10 months of 1999, according to figures provided by the People's Advocate, 289 massacres took place in Colombia, most of which were attributable to paramilitary groups. On average, 11 persons lost their lives every day as a result of socio-political violence, including six extrajudicial executions, one enforced disappearance per day and four deaths as a direct result of clashes between the State and guerrillas.

5. Civilians continue to be the main victims of the armed conflict. Unarmed peasants, students, university professors, trade union leaders, journalists, and human rights and peace advocates are still being killed. Labour disputes and social conflicts and popular demands are still being repressed.

6. In 1999 over 300,000 persons were forcibly displaced, bringing the total number of persons who have had to flee their land, homes and work in the last few years to almost 2 million. This, in itself, constitutes one of the worst humanitarian disasters in the world. Not only has the Colombian Government not adopted a policy for preventing or addressing the problem, but it has not fulfilled the agreements reached with peasants who had asked for guarantees to return to their lands.

7. In October 1998 the Government of President Pastrana came to an agreement with 30,000 peasants who had been displaced from Sur de Bolívar and Magdalena Medio in the city of Barrancabermeja to provide the conditions for them to return to their lands, including an investment plan for the region and the dismantling of paramilitary groups. The leaders of this peasant movement have been killed one by one, among them one of the signatories of the agreements, Edgar Quiroga, who was abducted, detained, tortured and later murdered in early December 1999 by paramilitary groups who were backed by the Colombian army.

8. In spite of the fact that the Colombian Government has announced a policy for dismantling paramilitary groups, these groups still operate without hindrance throughout the

country, with the support of drug traffickers, powerful production unions, and members of the traditional political parties. The arrest warrants issued by the Office of the Attorney-General of the Nation against the leaders or promoters of these groups do not have the necessary support of the security forces and, in addition, those conducting the investigations are themselves threatened or persecuted.

9. General Nestor Ramírez, second-in-command of the army, speaking at a public forum in the United States in the first week of December 1999, said that institutions under State control - that is, the Offices of the Attorney-General and the Procurator-General - and non-governmental organizations (NGOs) have been infiltrated by guerrillas which, in turn, has exacerbated the war. It was the General himself who, in January 1999, had told human rights NGOs that soldiers did not have the "constitutional obligation to confront or pursue paramiliary groups".

10. Judicial investigations have revealed that the terrorist activities of paramiliary groups are closely linked to military action. Thus, it was established that the army was responsible for the assassination of the left-wing senator, Manuel Cepeda Vargas, which was planned and executed by a general and two military intelligence non-commissioned officers along with the paramilitary leaders, the Castaño brothers. Another general, along with commissioned and non-commissioned officers and the leaders of the same paramilitary group, are being investigated for having planned and executed the Mapiripán massacre in which dozens of people were killed.

11. Unfortunately, the Supreme Council of the Judiciary continues to refer the investigation and trial of high-ranking army officers to the military criminal justice system, as happened in the recent cases of Generals Millán and Uscátegui, who have benefited from impunity under the military jurisdiction. Although the Military Criminal Code of Justice has been reformed, the reforms have not adequately taken into account the recommendations of United Nations bodies and will only enter into force if a statute on military criminal justice is approved.

12. On the other hand, it is equally questionable that the Procurator-General of the Nation, having established that members of the Colombian army were actively or passively responsible, for crimes against humanity, should not dismiss them from military service but simply punishes them with "severe repression". The Office of the Public Prosecutor and its subdivisions thus disregard their constitutional mandate to remove from public office persons who have committed flagrant violations of the Constitution or the law.

13. Furthermore, the FIDH condemns the announced assistance of US$ 1.5 billion from the Government of the United States to the Colombian army for the so-called fight against drug trafficking. We also reject the assistance and advice offered in the creation of the "anti-drug squad" which will operate in guerrilla zones but not in zones under paramilitary control, which will only serve to undermine the possibility of establishing peace and respect for human rights.

14. Lastly, we urge the Commission to adopt a resolution on Colombia calling for the practical implementation of recommendations already formulated, in particular those on the dismantling of paramilitary groups and the definitive dismissal of State officers who actively or passively promote such groups, and for the extension of the mandate and strengthening of the Office of the United Nations High Commissioner for Human Rights in Colombia and establishing an additional mechanism such as a Special Rapporteur, given the gross and persistent violations of human rights in Colombia.